

REMARKS

In response to the Office Action mailed November 30, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application.

Rejection of Claims under 35 U.S.C. § 103(a)

The Examiner rejects the claims under 35 U.S.C. §103(a) as being unpatentable over Vidlund et al. (USPAP 2003/0130731) in view of Liddicoat et al. (USPN 6,790,231) and Alferness et al. (USPAP 2003/0105520), and further in view of Solem et al. or Langberg et al.

Applicant notes that the pending claims are entitled to a priority date which antedates Vidlund et al. (the primary reference) as well as Liddicoat et al. and Alferness et al., thereby rendering the rejections moot. The "Related Applications" section states:

[0001] This is a continuation of U.S. application Ser. No. 10/634,655, now U.S. Pat. No. 7,011,682, filed simultaneously herewith on August 5, 2003, entitled, "METHODS AND APPARATUS FOR REMODELING AN EXTRAVASCULAR TISSUE STRUCTURE," which is a continuation-in-part of U.S. application Ser. No. 10/066,302, filed Jan. 30, 2002, now U.S. Pat. No. 6,989,028, which is a continuation-in-part of U.S. application Ser. No. 09/774,869, filed Jan. 30, 2001, now U.S. Pat. No. 6,537,314, and which also claims the benefit under 35 U.S.C. §119 to U.S. Provisional Application No. 60/265,995, filed Feb. 1, 2001, the entire disclosures of which are incorporated by reference herein. In addition, this application is a continuation-in-part of U.S. application Ser. No. 09/968,272, filed Oct. 1, 2001, now U.S. Pat. No. 6,709,456, which is a continuation of U.S. application Ser. No. 09/494,233, filed Jan. 31, 2000, now U.S. Pat. No. 6,402,781, the entireties of which are incorporated by reference herein. Finally, this application claims priority under 35 U.S.C. §119 to U.S. Provisional Application No. 60/429,281, filed on Nov. 25, 2002, and U.S. Provisional Application No. 60/488,334, filed Jul. 18, 2003, entitled, "REMOTELY ACTIVATED MITRAL ANNULOPLASTY SYSTEM AND METHODS," the entire disclosures of which are expressly incorporated by reference herein.

More specifically, the subject matter of the pending claims is fully supported by the disclosure in Application No. 09/774,869, filed January 30, 2001, now U.S. Patent No. 6,537,314. For example, Figures 1 through 8B of the present application, which illustrate the features of the claimed invention, can also be found in U.S. Patent No. 6,537,314. Still further, the language in paragraphs [0129] and [0131] of the present specification, which disclose that the implant may be reversible, can also be found in U.S. Patent No. 6,537,314.

Applicant did not note that the claims antedate the cited references in the first Amendment because the filing receipt and the related applications data on the published application were both incomplete. As a result, Applicant did not realize the present claims were entitled to an earlier priority date until after the final Office Action was mailed.

In light of the foregoing, Applicant respectfully requests the Examiner to withdraw all remaining claim rejections.

Fees Due to File This Amendment

Prior to the pending Office Action, a fee was paid for the original 11 claims, with 3 of them being independent claims. This response has not resulted in more than the original number of claims, and **thus no claim fees are believed to be due** to file this amendment.

Petition for Extension of Time to Respond

Pursuant to 37 C.F.R. 1.136(a), Applicants hereby request an extension of time for **Three Months** to respond to the above-referenced Office Action. The Commissioner is hereby authorized to charge the required fee of \$1,020.00 to Deposit Account No. 50-1225 (Docket No. PVI-5813CIP2CIP1CON2).

CONCLUSION

Should the Examiner have any questions, the Examiner is encouraged to contact the attorney of record at the telephone number indicated below.

Respectfully submitted,

Date: May 16, 2007

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